

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

WILLIAM F. EMLICH, Jr., D.O.,  
*et al.*,

Plaintiffs,

vs.

Civil Action 2:14-cv-1697  
Judge Graham  
Magistrate Judge King

OHIOHEALTH CORPORATION, *et al.*,

Defendants.

CONTINUED PRELIMINARY PRETRIAL ORDER

A continued preliminary pretrial conference was held on June 11, 2015. All parties were represented.

The Court has limited discovery to that discovery relevant to the HCQIA immunity factors found in 42 U.S.C. §11112(a). *Opinion and Order*, ECF 16.

Defendants have filed a motion for summary judgment addressing HCQIA immunity. *Motion*, ECF 19 (sealed). Plaintiff asks that further proceedings on that motion be stayed pending discovery. In that regard, plaintiff has propounded written discovery requests to defendants, who take the position that the requested discovery exceeds the limits established by the Court.

Plaintiff's response to the motion for summary judgment is currently due July 6, 2015. Plaintiff may have until that date to either file a motion pursuant to Rule 56(d) of the Federal Rules of Civil Procedure, or seek an extension of time in which to either

respond to the motion for summary judgment or file a Rule 56(d) motion. A Rule 56(d) motion, if filed, must conform to the requirements of Rule 56(d) and should, *inter alia*, clearly articulate the specific discovery requested by plaintiff and the proposed period in which to complete such discovery.

Should the case remain pending following resolution of the pending motion for summary judgment, the Court will conduct another pretrial conference to determine what additional discovery is necessary to the resolution of the case. The Court notes that the parties believe that an additional year of discovery, including expert discovery, will be required. *Rule 26(f) Report of Parties*, ECF 18, p. 4.

If any date set herein falls on a weekend or legal holiday, the date of the next business day will control.

s/ Norah McCann King  
Norah McCann King  
United States Magistrate Judge

Date: June 11, 2015